

pursue the subject matter of the canceled claims in this or any other appropriate patent application.

Please cancel claims 14-40 without prejudice to or disclaimer of the subject matter contained therein.

REMARKS

In the outstanding Office Action, the Examiner sets forth a requirement under 35 U.S.C. § 121 restricting Applicant to one of the following inventions:

I. Claims 1-13; drawn to a method for determining properties of products from a combinatorial chemical library P using features of their respective building blocks, classified in class 702, subclass 19.

II. Claims 14-40; drawn to a method, system, and computer program product for determining properties of combinatorial library products from features of library building blocks, classified in class 702, subclass 19.

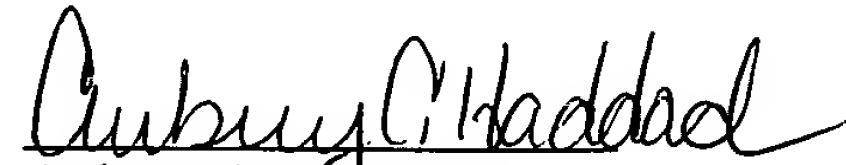
Applicant hereby elects Group I, claims 1-13, directed to a method for determining properties of products from a combinatorial chemical library P using features of their respective building blocks. This election is with traverse, however, because both criteria for a proper requirement have not been met insofar as the consideration of these groups together would not impose an undue burden on the Examiner. Applicant respectfully notes that for a restriction requirement to be proper, (i) the invention defined by the claim groups must be independent (M.P.E.P. § 806.04) or distinct (M.P.E.P. § 806.05); and (ii) the consideration of the groups of invention in the same application must impose a serious burden on the Examiner. *See* 35 U.S.C. §121 and M.P.E.P. § 803. As evidenced by the Examiner's search classification of the claims of Groups I and II in the same class (class 702) and the same subclass (subclass 19), there would be no serious burden if restriction among these groups were not required. Accordingly, the restriction requirement among Groups I and II is improper and should be withdrawn.

CONCLUSION

In view of the forgoing, Applicant respectfully requests prompt action on the merits of the elected claims of Group I as well as non-elected claims of Group II.

Respectfully Submitted,

Date: December 30, 2003



Aubrey A. Haddach

Reg. No. 48,374

Pillsbury Winthrop LLP
11682 El Camino Real
Suite 200
San Diego, CA 92130-2092
Phone: 858.847.4189
Fax: 858.509.4010